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A. Bruce Clay
IBM Corporation
T81/503
3039 Cornwallis Road
Research Triangle Park, NC 27709

EXAMINER
MANOHARAN, MUTHUSWAMY GANAPATHY

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DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

**Claims 1-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Erb (US 2004/0142703) in view of Hoshino (US 6285891).**

Regarding **claim 1**, Erb teaches an apparatus comprising: a storage readable

medium; wherein the storage medium comprises instructions for a processor to

perform steps comprising: detecting an incoming telephone call (Abstract, line 2);

determining a plurality of conditions associated with a telephone (items 102 and

106 in Figure 7; Paragraph [0032-0033]);

comparing the conditions to a plurality of policies (Figure 4), each policy

comprising a plurality of condition criteria and a telephone behavior instruction

(Abstract, lines 1-9);

identifying a single policy within the policies, the single policy containing the

condition criteria corresponding to the conditions (Paragraph [0009], lines 1-14); and

adjusting a telephone behavior according to the telephone behavior instruction

for the single policy (paragraph [0035], lines 5-10).

Erb did not teach specifically, wherein the telephone behavior is an action that

the telephone takes in response to the reception of the incoming calls; and wherein the

action comprises a plurality of telephone behaviors. However, Hoshino teaches in an

analogous art, wherein the telephone behavior is an action that the telephone takes in

response to the reception of the incoming calls; and wherein the action comprises a

plurality of telephone behaviors (Abstract, Col. 2, lines 19-27). Therefore, it would be

obvious to one of ordinary skill in the art at the time of invention to use the processor

wherein the telephone behavior is an action that the telephone takes in response to the

reception of the incoming calls; and wherein the action comprises a plurality of

telephone behaviors. This modification provides additional operating characteristics

(notifying method) to the apparatus that can be suitable for a user's environment.

Regarding **claim 2**, Erb teaches the apparatus of claim 1 wherein the policies

further comprises: a policy priority number and wherein the policy priority number

resolves any outcome conflicts between the policies ("importance Threshold", Figure

4).

Regarding **claim 3,** Erb teaches the apparatus of claim 1 wherein the policies are

stored in a policy table according to the policy priority number (Figure 4; Paragraph

[0033], lines 1-3).

Regarding **claim 4,** Erb teaches the apparatus of claim 1 further comprising: the

telephone; and wherein the storage medium is a memory within the telephone

(Paragraph [0033], line 3).

Regarding **claim 5,** Erb teaches the apparatus of claim 5 wherein the steps

further comprises: allowing a user to define the policies using a policy creation program

(Paragraph [0031], line 1; Paragraph [0038], lines 1-2).

Regarding **claim 6,** Erb teaches the apparatus of claim 1 wherein one of the

condition criteria is a location criterion; and wherein the location of the telephone is

determined using a GPS network (Paragraph [0037], lines 7-8).

Regarding **claim 7,** Erb teaches the apparatus of claim 6 wherein one of the

condition criteria is a location criterion; and wherein the location of the telephone is

determined using triangulation (Paragraph [0010], lines 10-12).

Regarding **claim 8,** Erb teaches the apparatus of claim 6 wherein one of the

condition criteria is a context criterion (Paragraph [0040], lines 3-5) and wherein the

context is determined by accessing a PDA program stored on the telephone ("calendar

tool", Paragraph [0040]).

Regarding **claim 9**, Erb teaches the apparatus of claim 6 wherein one of the

condition criteria is a caller criterion; and wherein the caller identity is determined by

analyzing the caller ID data associated with the incoming telephone call (Paragraph

[0032], lines 3-7).

Regarding **claim 10**, Erb teaches the apparatus of claim 6 wherein one of the

condition criteria is a caller criterion (Paragraph [0032], lines 4-6); and wherein the caller

identity is determined by analyzing the caller ID data associated with the incoming

telephone call (Paragraph [0032], lines 4-5) and accessing a PDA program stored on

the telephone (paragraph [0032], line 7).

Regarding **claim 11**, Erb teaches the apparatus of claim 6 wherein the condition

criteria comprise a location criterion and a context criterion (Paragraph [0040], lines 1-

9).

Regarding **claim 12,** Erb teaches the apparatus of claim 6 wherein the condition

criteria comprise a location criterion and a caller criterion (Figure 7; Figure 4;

Paragraphs [31-33]).

Regarding **claim 13**, Erb teaches the apparatus of claim 6 wherein the condition

criteria comprise a context criterion (Paragraph [0040], lines 1-5). Erb also teaches a

caller criterion (Paragraph [0032]). He also teaches condition criteria involving more

than one criterion (context and location, Paragraph [0040]; caller and location,

Paragraphs [31-33]). Therefore, it would be obvious to one of ordinary skill in the art to

use the condition wherein the condition criteria comprise context criterion, and a caller

criterion. This modification gives additional flexibility to the user of the telephone.

Regarding **claim 14**, Erb teaches the apparatus of claim 6 wherein the condition

criteria comprise a location criterion, and a caller criterion (Paragraph [0031-0033]).

Erb did not teach specifically the condition criteria comprise a location criterion, a

context criterion, and a caller criterion. However, Erb teaches in another embodiment,

the apparatus of claim 6 wherein the condition criteria comprise a location criterion,

and a context criterion (Paragraph [0040], lines 1-9). Therefore, it would be obvious to

one of ordinary skill in the art at the time of invention to use the condition criteria

comprise a location criterion, a context criterion, and a caller criterion. This modification

gives additional flexibility to the user of the telephone.

Regarding **claim 15**, Erb teaches a method comprising: installing a telephone

control program on a storage medium (Paragraph [0031], lines 1-2). The other

limitations of the Claim 15 are rejected for the same reasons as set forth in the claim 1.

Claim 16 is rejected for the same reasons as set forth in the claim 2.

Regarding **claim 17**, Erb teaches the method of claim 15 wherein the policies

further comprises: a policy priority number ("importance threshold", Figure 4); and

wherein the policies are stored in a policy table according to the policy priority number

(Figure 4; Paragraph [0033], lines 1-3).

Claims 18-28 are rejected for the same reasons as set forth in claims 4-14,

respectively.

Regarding **claim 29**, Erb teaches an apparatus comprising: means for detecting

an incoming telephone call (Abstract, line 2); means for determining a plurality of

conditions associated with a telephone (items 102 and 106 in Figure 7; Paragraph

[0032-0033]); means for comparing the conditions to a plurality of policies (Figure 4),

each policy comprising a plurality of condition criteria and a telephone behavior

instruction (Abstract, lines 1-9); means for identifying a single policy within the policies,

the single policy containing the condition criteria corresponding to the conditions

(Paragraph [0009], lines 1-14); means for adjusting a telephone behavior according to

the telephone behavior instruction for the single policy (paragraph [0035], lines 5-10);

wherein the policy priority number resolves any outcome conflicts between the policies

("importance Threshold", Figure 4); wherein the policies are stored in a policy table

according to the policy priority number (Figure 4; Paragraph [0033], lines 1-3); means

for allowing a user to define the policies using a policy creation program (Paragraph

[0031], line 1; Paragraph [0038], lines 1-2); and wherein the storage medium is a

memory within the telephone (Paragraph [0033], line 3).

Erb did not teach specifically, wherein the telephone behavior is an action that

the telephone takes in response to the reception of the incoming calls; and wherein the

action comprises a plurality of telephone behaviors. However, Hoshino teaches in an

analogous art, wherein the telephone behavior is an action that the telephone takes in

response to the reception of the incoming calls; and wherein the action comprises a

plurality of telephone behaviors (Abstract, Col. 2, lines 19-27). Therefore, it would be

obvious to one of ordinary skill in the art at the time of invention to use the processor

wherein the telephone behavior is an action that the telephone takes in response to the

reception of the incoming calls; and wherein the action comprises a plurality of

telephone behaviors. This modification provides additional operating characteristics to the apparatus that can be suitable for a user's environment.

Regarding **claim 30**, Erb teaches the apparatus of claim 29 wherein the location of the telephone is determined using a GPS network (Paragraph [0037], lines 7-8).

Regarding **claim 31**, Erb teaches the apparatus of claim 29 wherein the location of the telephone is determined using triangulation (Paragraph [0010], lines 10-12).

Regarding **claim 32**, Erb teaches the apparatus of claim 29 wherein the context is determined by accessing a PDA program stored on the telephone ("calendar tool", Paragraph [0040]).

Regarding **claim 33,** Erb teaches the apparatus of claim 29 wherein the caller identity is determined by analyzing the caller ID data associated with the incoming telephone call (Paragraph [0032], lines 3-7).

Regarding **claim 34**, Erb teaches the apparatus of claim 29 wherein the caller identity is determined by analyzing the caller ID data associated with the incoming telephone call (Paragraph [0040], lines 3-5) and accessing a PDA program stored on the telephone (paragraph [0032], line 7).

Claims 1-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Erb (US 2004/0142703) in view of Nishimura (US 7024229).

Regarding claim 1, Erb teaches an apparatus comprising: a storage readable medium; wherein the storage medium comprises instructions for a processor to perform steps comprising: detecting an incoming telephone call (Abstract, line 2);

determining a plurality of conditions associated with a telephone (items 102 and

106 in Figure 7; Paragraph [0032-0033]);

comparing the conditions to a plurality of policies (Figure 4), each policy

comprising a plurality of condition criteria and a telephone behavior instruction

(Abstract, lines 1-9);

identifying a single policy within the policies, the single policy containing the

condition criteria corresponding to the conditions (Paragraph [0009], lines 1-14); and

adjusting a telephone behavior according to the telephone behavior instruction

for the single policy (paragraph [0035], lines 5-10).

Erb did not teach specifically, wherein the telephone behavior is an action that

the telephone takes in response to the reception of the incoming calls; and wherein the

action comprises a plurality of telephone behaviors. However, Nishimura teaches in an

analogous art, wherein the telephone behavior is an action that the telephone takes in

response to the reception of the incoming calls; and wherein the action comprises a

plurality of telephone behaviors (Abstract, Figure 1). Therefore, it would be obvious to

one of ordinary skill in the art at the time of invention to use the processor wherein the

telephone behavior is an action that the telephone takes in response to the reception of

the incoming calls; and wherein the action comprises a plurality of telephone

behaviors. This modification provides additional operating characteristics (notifying

method) to the apparatus that can be suitable for a user's environment.

Regarding **claim 2**, Erb teaches the apparatus of claim 1 wherein the policies

further comprises: a policy priority number and wherein the policy priority number

resolves any outcome conflicts between the policies ("importance Threshold", Figure 4).

Regarding **claim 3,** Erb teaches the apparatus of claim 1 wherein the policies are stored in a policy table according to the policy priority number (Figure 4; Paragraph [0033], lines 1-3).

Regarding **claim 4,** Erb teaches the apparatus of claim 1 further comprising: the telephone; and wherein the storage medium is a memory within the telephone (Paragraph [0033], line 3).

Regarding **claim 5,** Erb teaches the apparatus of claim 5 wherein the steps further comprises: allowing a user to define the policies using a policy creation program (Paragraph [0031], line 1; Paragraph [0038], lines 1-2).

Regarding **claim 6,** Erb teaches the apparatus of claim 1 wherein one of the condition criteria is a location criterion; and wherein the location of the telephone is determined using a GPS network (Paragraph [0037], lines 7-8).

Regarding **claim 7,** Erb teaches the apparatus of claim 6 wherein one of the condition criteria is a location criterion; and wherein the location of the telephone is determined using triangulation (Paragraph [0010], lines 10-12).

Regarding **claim 8,** Erb teaches the apparatus of claim 6 wherein one of the condition criteria is a context criterion (Paragraph [0040], lines 3-5) and wherein the context is determined by accessing a PDA program stored on the telephone ("calendar tool", Paragraph [0040]).

Regarding **claim 9**, Erb teaches the apparatus of claim 6 wherein one of the condition criteria is a caller criterion; and wherein the caller identity is determined by analyzing the caller ID data associated with the incoming telephone call (Paragraph [0032], lines 3-7).

Regarding **claim 10**, Erb teaches the apparatus of claim 6 wherein one of the condition criteria is a caller criterion (Paragraph [0032], lines 4-6); and wherein the caller identity is determined by analyzing the caller ID data associated with the incoming telephone call (Paragraph [0032], lines 4-5) and accessing a PDA program stored on the telephone (paragraph [0032], line 7).

Regarding **claim 11**, Erb teaches the apparatus of claim 6 wherein the condition criteria comprise a location criterion and a context criterion (Paragraph [0040], lines 1-9).

Regarding **claim 12,** Erb teaches the apparatus of claim 6 wherein the condition criteria comprise a location criterion and a caller criterion (Figure 7; Figure 4; Paragraphs [31-33]).

Regarding **claim 13,** Erb teaches the apparatus of claim 6 wherein the condition criteria comprise a context criterion (Paragraph [0040], lines 1-5). Erb also teaches a caller criterion (Paragraph [0032]). He also teaches condition criteria involving more than one criterion (context and location, Paragraph [0040]; caller and location, Paragraphs [31-33]). Therefore, it would be obvious to one of ordinary skill in the art to use the condition wherein the condition criteria comprise context criterion, and a caller criterion. This modification gives additional flexibility to the user of the telephone.

Regarding **claim 14**, Erb teaches the apparatus of claim 6 wherein the condition criteria comprise a location criterion, and a caller criterion (Paragraph [0031-0033]). Erb did not teach specifically the condition criteria comprise a location criterion, a context criterion, and a caller criterion. However, Erb teaches in another embodiment, the apparatus of claim 6 wherein the condition criteria comprise a location criterion, and a context criterion (Paragraph [0040], lines 1-9). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the condition criteria comprise a location criterion, a context criterion, and a caller criterion. This modification gives additional flexibility to the user of the telephone.

Regarding **claim 15**, Erb teaches a method comprising: installing a telephone control program on a storage medium (Paragraph [0031], lines 1-2). The other limitations of the Claim 15 are rejected for the same reasons as set forth in the claim 1.

Claim 16 is rejected for the same reasons as set forth in the claim 2.

Regarding **claim 17**, Erb teaches the method of claim 15 wherein the policies further comprises: a policy priority number ("importance threshold", Figure 4); and wherein the policies are stored in a policy table according to the policy priority number (Figure 4; Paragraph [0033], lines 1-3).

Claims 18-28 are rejected for the same reasons as set forth in claims 4-14, respectively.

Regarding **claim 29**, Erb teaches an apparatus comprising: means for detecting an incoming telephone call (Abstract, line 2); means for determining a plurality of conditions associated with a telephone (items 102 and 106 in Figure 7; Paragraph

[0032-0033]); means for comparing the conditions to a plurality of policies (Figure 4),

each policy comprising a plurality of condition criteria and a telephone behavior

instruction (Abstract, lines 1-9); means for identifying a single policy within the policies,

the single policy containing the condition criteria corresponding to the conditions

(Paragraph [0009], lines 1-14); means for adjusting a telephone behavior according to

the telephone behavior instruction for the single policy (paragraph [0035], lines 5-10);

wherein the policy priority number resolves any outcome conflicts between the policies

("importance Threshold", Figure 4); wherein the policies are stored in a policy table

according to the policy priority number (Figure 4; Paragraph [0033], lines 1-3); means

for allowing a user to define the policies using a policy creation program (Paragraph

[0031], line 1; Paragraph [0038], lines 1-2); and wherein the storage medium is a

memory within the telephone (Paragraph [0033], line 3).

Erb did not teach specifically, wherein the telephone behavior is an action that

the telephone takes in response to the reception of the incoming calls; and wherein the

action comprises a plurality of telephone behaviors. However, Nishimura teaches in an

analogous art, wherein the telephone behavior is an action that the telephone takes in

response to the reception of the incoming calls; and wherein the action comprises a

plurality of telephone behaviors (Abstract, Figure 1). Therefore, it would be obvious to

one of ordinary skill in the art at the time of invention to use the processor wherein the

telephone behavior is an action that the telephone takes in response to the reception of

the incoming calls; and wherein the action comprises a plurality of telephone

behaviors. This modification provides additional operating characteristics (notifying method) to the apparatus that can be suitable for a user's environment.

Regarding **claim 30**, Erb teaches the apparatus of claim 29 wherein the location of the telephone is determined using a GPS network (Paragraph [0037], lines 7-8).

Regarding **claim 31**, Erb teaches the apparatus of claim 29 wherein the location of the telephone is determined using triangulation (Paragraph [0010], lines 10-12).

Regarding **claim 32**, Erb teaches the apparatus of claim 29 wherein the context is determined by accessing a PDA program stored on the telephone ("calendar tool", Paragraph [0040]).

Regarding **claim 33,** Erb teaches the apparatus of claim 29 wherein the caller identity is determined by analyzing the caller ID data associated with the incoming telephone call (Paragraph [0032], lines 3-7).

Regarding **claim 34**, Erb teaches the apparatus of claim 29 wherein the caller identity is determined by analyzing the caller ID data associated with the incoming telephone call (Paragraph [0040], lines 3-5) and accessing a PDA program stored on the telephone (paragraph [0032], line 7).
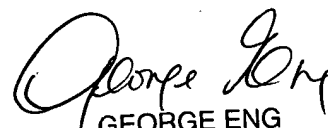

Response to Arguments

Applicant's arguments with respect to claims 1-34 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Muthuswamy G. Manoharan whose telephone number is 571-272-5515. The examiner can normally be reached on 7:00AM-2:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eng George can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GEORGE ENG
SUPERVISORY PATENT EXAMINER